

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SIERRA CLUB,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 3:10-cv-000303-bbc
)	
DAIRYLAND POWER COOPERATIVE,)	
)	
Defendant.)	
)	

**DEFENDANT DAIRYLAND’S UNOPPOSED MOTION TO STAY DISCOVERY AND
SCHEDULING DEADLINES PENDING ENTRY OF CONSENT DECREE**

Pursuant to Federal Rules of Civil Procedure 16(b) and 26(b), Defendant Dairyland Power Cooperative (“Dairyland”) moves this Court to continue to stay all deadlines in this case pending the lodging and entry of a Consent Decree resolving the case. Plaintiff has indicated it does not oppose this motion.

Since the Court granted Plaintiff’s and Dairyland’s Second Joint Motion to Stay on July 18, 2011, the parties and the United States (which is not a party to this action) have worked diligently to negotiate and draft a Consent Decree that incorporates the provisions of the term sheet dated July 7, 2011 (the “Term Sheet”) in addition to numerous other Consent Decree terms. Plaintiff and the United States sent an initial draft of the Consent Decree to Dairyland for consideration on August 10, 2011. Dairyland has reviewed the approximately 90-page draft, including many additional terms beyond those in the Term Sheet, and will send revisions to Plaintiff and the United States by September 30, 2011. In the meantime, Plaintiff, the United States, and Dairyland have been developing the Consent Decree Appendix, which will contain the detailed framework for five Environmental Mitigation Plans. Based on the discussions and feedback from Plaintiff and the United States, Dairyland has prepared proposed Environmental

Mitigation Plan Appendix materials and exchanged these drafts with Plaintiff and the United States on September 26, 2011. Plaintiff and the United States are currently reviewing those drafts. Dairyland will be receiving comments on the Plans from Plaintiff and the United States on October 4, 2011. Presently, the parties to the Consent Decree are working to schedule negotiation meetings as soon as schedules allow. All parties have been and continue to expend considerable resources toward finalizing the Consent Decree.

In the next 90 days, the parties and the United States hope to finalize a Consent Decree and file it with this Court for its approval, pursuant to the process set forth in 42 U.S.C. § 7413(g) and § 7604(c)(3). Due to the involvement of the United States in the settlement discussions, and the longer approval process by the United States Environmental Protection Agency prior to lodging the Consent Decree, the parties are unable to lodge the Consent Decree prior to the end of the current stay, which is September 30, 2011. Therefore, Dairyland respectfully requests that the case continue to be stayed so that the parties can draft a Consent Decree for entry and undergo the approval and notice processes provided by statute.

Accordingly, Dairyland requests that this Court continue to stay this case pending the lodging and entry of a Consent Decree, which Dairyland hopes will occur within 90 days. Dairyland believes that the stay will best serve the interests of this Court and the parties going forward.

Respectfully submitted this 30th day of September 2011.

/s/Nash E. Long, III

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing via ECF to all counsel of record as follows:

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This 30th day of September 2011.

/s/Nash E. Long, III
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